

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEONTE' MCCOY,

Plaintiff,

v.

NICHOLAS FOWLER and JARRAY ADAMS,

Defendants,

Case Number 22-12237

Honorable David M. Lawson

Magistrate Judge Kimberly G. Altman

ORDER ADOPTING REPORT AND RECOMMENDATION
AND DENYING MOTION FOR DEFAULT JUDGMENT

Presently before the Court is the report issued on September 26, 2023 by Magistrate Judge Kimberly G. Altman under 28 U.S.C. § 636(b) recommending that the Court deny the plaintiff's motion for default judgment (ECF No. 26) because the plaintiff failed to obtain the requisite Clerk's entry of default, the Prisoner Litigation Reform Act (PLRA) does not permit default judgment against defendants who fail to respond to the complaint, *see, e.g., Vontz v. Monroe*, No. 19-12735, 2021 WL 5629046, at *1 (E.D. Mich. June 22, 2021), *report and recommendation adopted*, 2021 WL 5587339 (E.D. Mich. Nov. 30, 2021), and the defendants have appeared in the case through counsel.

The deadline for filing objections to the report has passed, and no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Loc. 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 31) is **ADOPTED**, and the plaintiff's motion for default judgment (ECF No. 26) is **DENIED**.

It is further **ORDERED** that the referral of the case to the assigned magistrate judge under the previous order of reference is **CONTINUED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 25, 2023